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MONTANA

SMALL BUSINESS CONFERENCE

September 28-29, 1982

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Final Report

to the Governor and 48th Legislature

January 1983

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MONTANA

SMALL BUSINESS CONFERENCE

FINAL REPORT

OF

THE STATEWIDE CONFERENCE ON SMALL BUSINESS

SUBMITTED TO
Governor Ted Schwinden
and
The Members of the
Forty-Eighth Legislative Assembly

January 1983

MOUNTAIN BANK

W. E. Schreiber
President

January 26, 1983

TO: Governor Ted Schwinden and Members of the 48th Legislative Assembly

SUBJECT: The Governor's Small Business Advisory Council

During the 47th Session of the Montana Legislature, Representative Gene Donaldson successfully sponsored a bill which called for a series of conferences on small business to be held during the 81-82 biennium.

Governor Schwinden implemented that legislation by creating the Small Business Advisory Council in August of 1981, and charged it with the responsibility of conducting those conferences.

As Chairman of the Advisory Council I am pleased to submit the following series of recommendations which resulted from the conferences that were held.

There are 58 recommendations presented. Most are directed toward the legislature, some to state agencies and some represent the attitudes of the conferees. Many more issues were raised but time constraints did not allow full discussion or vote. All of which underscores the need for similar conferences in the future.

Throughout the seven conferences that were held it was clear that the small business men and women of the state had a lot of issues on their minds. They also demonstrat a sincere, positive concern for the economic growth and well being of Montana's business climate.

I join my fellow Advisory Council members in expressing appreciation to the legislature and Governor for initiating the conferences; to the Department of Commerce and local chambers of commerce in staging the conferences and to the men and women who own and operate small businesses all across the state for participating with their ideas and opinions.

Regards,

W. E. Schreiber
Chairman

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TABLE OF CONTENTS

PAGE

Letter of Transmittal, Advisory Council Chairman..... i

Agenda of the Statewide Conference..... 1

CONFERENCE RECOMMENDATIONS

Business Development..... 3

Business Finance..... 6

Tourism Development..... 7

Transportation..... 8

Business Taxation..... 8

General Issues..... 10

Governor Schwinden's Speech to the Conferees..... 12

List of Delegates & Observers..... 18

Advisory Council Members..... 21

Acknowledgements..... 22

STATEWIDE CONFERENCE ON SMALL BUSINESS
SEPTEMBER 28 & 29, 1982
THE SHERATON, GREAT FALLS, MONTANA
SPONSORED BY THE GOVERNOR'S SMALL BUSINESS ADVISORY COUNCIL

AGENDA

TUESDAY, SEPTEMBER 28th

10:30 - 11:45 a.m.	Registration of Delegates & Observers East Hallway, Convention Center
12:00 - 12:45	Invocation and Luncheon - Poolside W. E. Schreiber, Chairman - Governor's Advisory Council on Small Business
12:45 - 1:00 p.m.	Introductions, Instructions Dr. William A. Shields, President College of Great Falls
1:00 - 1:30	Conference Opening Governor Ted Schwinden
1:30 - 1:45	Adjourn to Conference Room Aronson/Mansfield Rooms
1:45 - 5:45	Survey of the Issues Transportation — Tourism Development Development Finance — Business Taxation Business Development — General Issues
6:00 - 7:00	No Host Cocktails - Lobby Area
7:00	Conference Banquet Aronson/Mansfield Rooms
8:00 p.m.	Banquet Address - "Development Finance" Milton D. Stewart, Editor, Inc. Magazine

WEDNESDAY, SEPTEMBER 29th

7:00 - 8:15 a.m.	Buffet Breakfast - Poolside
8:30 - 9:30 a.m.	"Small Business - A National Perspective" Live Satellite Hookup to Washington, D. C. Senator Max Baucus - Montana Representative Andy Ireland - Florida Frank Swain, Chief Advocate, SBA - Moderator
9:30 - 9:45 a.m.	Adjourn to Issue Workshops Reference schedule below for your selection of Issue and Room Location
9:45 - Noon	Issue Workshops - Round I
Noon - 12:50 p.m.	Luncheon - Poolside
1:00 - 3:00 p.m.	Issue Workshops - Round II
3:00 - 3:15 p.m.	Coffee Break - Lobby Area
3:15 - 4:45 p.m.	Summary of Workshop Recommendations Aronson/Mansfield Rooms
4:45 - 5:00 p.m.	Closing Session and Adjournment

* * * * * * * * * * * * * * * * * *

ISSUE AND ROOM LOCATION

Round I and II of the Issue Workshops will be run identically. Delegates are asked to select the topics of greatest interest to them and plan their attendance accordingly. Depending on individual choices one may cover 2, 3, or 4 Issues.

Seating in each workshop is limited. Delegates may wish to have an alternate workshop in mind.

ISSUE WORKSHOP	ROOM	COUNCIL FACILITATO
Taxation & General Issues	Russell	Tom Markle
Tourism & Transportation	Ford/Wheeler/Rankin	John Patten
Development Finance	Mansfield	Buster Schreiber
Business Development	Aronson	Jerry Hudspeth

BUSINESS DEVELOPMENT

RECOMMENDATION: Remove bid performance bond on jobs $20,000 and under. Give the local option to other government subdivisions.

(1) SBA bonding is too slow.

(2) Little history of defaults on small jobs.

(3) Paperwork chain is too slow to get bonds in time.

(4) Bid bond cost is added in all jobs and adds to state job costs.

(5) New bidders are effectively ruled out by procedure.

RECOMMENDATION: Change bidding procedures within Department of Administration to require more sub-contractors (separate bids).

RECOMMENDATION: Urge Department of Commerce to develop and market Montana products and firms. The Department of Commerce should also provide increased technical and marketing assistance to aid Montana firms to be competitive in the marketplace.

RECOMMENDATION: The legislature should consider giving billing credit against severance taxes paid by a individual firm for jobs created in Montana by that firm.

"Incentive to extract firms to create jobs in Montana."

RECOMMENDATION: The legislature should create a coal research and development center for the western United States to be located in Montana utilizing the facilities of the University System.

"Montana, Wyoming, and North Dakota have a large percent of the nation's coal. We need a research and development center to make our coal more useful, better meet customer needs and develop new needs. This would result in immediate jobs, in addition it would sell more coal which in turn would bring in more severance tax money."

RECOMMENDATION: The Advisory Council and Governor's Small Business Conference should be continued.

"It is a very important part of the process of improving government/business relations for the betterment of both."

"A voice for small business is an ongoing process."

"Small business needs voice."

(This issue also ratified in the General Issues Session.)

RECOMMENDATION: Urge study of state water resources to determine availability for agricultural and industrial use.

RECOMMENDATION: Get state out of the liquor business. Allow the private sector to demonstrate a competitive atmosphere which bring down prices and increases sales.

"Many Montanan's buy their liquor out-of-state by case lots, saving a great deal of money. If our liquor sold for less the out-of-state travelers going through this state would buy from Montana merchants."

"Private industry should be able to do the job better."

RECOMMENDATION: The legislature should require statement of intent of all legislation proposed and passed. State agencies should then follow the intent of laws passed.

"Small business finds that the rules change as agencies gather strength with no change in laws."

RECOMMENDATION: State should provide incentives for city or county economic development corporations.

RECOMMENDATION: The Department of Commerce should create more public awareness of state incentives, i.e., tax, climate, etc., and increase communication to small business in the state.

RECOMMENDATION: The legislature should create one office for all licenses. Implement uniform renewal date for all licenses within an individual business.

"Will cut office expense for government and business."

RECOMMENDATION: The Montana Legislature should pass a resolution urging large in-state corporations to assist Montana citizens in attracting new business.

RECOMMENDATION: State should streamline licensing and permiting procedures for potential new businesses, shortening time involved and cutting out red tape. A time limit should be set on the state, i.e., environmental impact statements.

"The current process discourages business in Montana."

(This recommendation was also ratified in the General Issues Sessions.)

RECOMMENDATION: The legislature should abolish state liquor license quota system with a gradual phase out of quotas.

RECOMMENDATION: The legislature should enact

(1) An increased preference percentage for Montana bidders.

(2) Consider bids with a cash discount when offered.

(3) Streamline purchasing procedures on small purchases.

(4) Refund bid bonds promptly.

RECOMMENDATION: The legislature should oppose any form of plant closure legislation.

RECOMMENDATION: The legislature should increase the amount of investment credit and allow tax incentives to NEW owners of EXISTING businesses.

RECOMMENDATION: Require the Department of Administration payment of retainage to contractors and sub-contractors within 30 days of successful completion of job.

"Profit on bids is generally less than retainage at 10%. Interest costs as they are, it does not take long for profit to be eaten up."

RECOMMENDATION: Encourage state agencies to eliminate 10% retention on contracts. In lieu of retention a performance bond will be posted which will be in effect for one year.

"The 10% retained up to one year is often the contractor's profit which is needed for operation. Bond is posted before job is started and should be adequate to cover any problems or deficiencies."

BUSINESS FINANCE

RECOMMENDATION: Montana Small Business Conference supports continued suspension of usury limitations.

> "Restricted upper limits lead to the elimination of credit, i.e., installment loan extension and availability to those with an unsubstantiated or marginal credit rating."
>
> "The cost of money may be greater - but it would be available."

RECOMMENDATION: The legislature should support expanded funding for a specific small business development arm within the Department of Commerce. A permanent Small Business Advisory Council be appointed to work with this small business development arm.

> "This conference has illustrated the many problems faced by, and potential for small businesses in Montana. All of us need more time and professional advice to adequately address our problems and potential."

RECOMMENDATION: Montana should use it's large investment portfolio to insure adequate capital for Montana businesses. The prudent man rule should be used as the prudent Montana man rule.

> "Investments in Montana should be looked at beyond just rate of interest when compared with out-of-state investments. The additions to property values, jobs (taxpayers), income of our residents and corporations are also a part of the return on in-state investments. The government should be involved in independent business development only through using its investments to ensure Montana capital not through more bureaucracy to form development corporations, equity investment, etc."

RECOMMENDATION: Form a Small Business Investment Corporation (SBIC) to serve statewide.

RECOMMENDATION: Montana should have state guidelines for the issuance of Industrial Revenue Bonds (IRB's).

RECOMMENDATION: Encourage legislature to give consideration to utilizing a portion of the coal severance tax for small business development purposes as proposed by Initiative 95.

> *(This issue also ratified in the Business Taxation Session.)*

RECOMMENDATION: Require Board of Investments to accept 1% less than comparable market rate for funds invested in-state.

"Would force surplus capital back into Montana economy."

RECOMMENDATION: The Department of Commerce should encourage the use of tax incentives on both property and income to enhance state's business climate.

TOURISM DEVELOPMENT

RECOMMENDATION: The Small Business Conference recommends a minimum of $2 million per year be appropriated for travel promotion purposes.

"Tourism is a small business industry."

"Montana rates 46th in the nation in the commitment to tourism promotion."

"Economic development begins with Montana small business."

"It is entirely appropriate for the state to be the central promotional agency."

RECOMMENDATION: The conference recommends that the legislature give spending authority above the travel promotion appropriation of $200,000.00.

RECOMMENDATION: Recommend that we have a state bed tax for the purpose of funding or assisting in funding the state tourism promotion budget.

"If we enact a 2% bed tax, we can fully fund or come close to funding the $2,000,000.00 that we believe is necessary for Montana to spend on tourist promotion."

(This issue was also addressed in the Business Taxation Session.)

RECOMMENDATION: The Small Business Conference recommends gambling as a local option with revenues being divided between state and local governments.

RECOMMENDATION: The Small Business Conference recommends a state lottery to fund travel promotion.

RECOMMENDATION: (Tie Vote) The Small Business Conference recommends support of Initiative 92 as a form of controlled gambling.

TRANSPORTATION

RECOMMENDATION: The legislature should increase the motor fuels and special fuels taxes and include compressed natural gas, propane and gasahol in taxation on a unit basis. These taxes should be used for highway betterment.

RECOMMENDATION: The Small Business Conference recommends that all truck licensing be in one location and that all regulations regarding trucking be enforced by the Highway Patrol.

RECOMMENDATION: Recommended that all intra-state trucking regulation be ended.

BUSINESS TAXATION

RECOMMENDATION: The state should return some revenue from existing taxes to the cities and counties to replace funds lost through the repeal of the business inventory tax.

RECOMMENDATION: The legislature should eliminate the Livestock Inventory Tax.

"Montana is only state in area with such tax. Has been reduced from 8% to 4% but can still be increased with mill levies."

RECOMMENDATION: The legislature should stop tax increases on equipment.

"Appraisal value should not exceed market value."

RECOMMENDATION: State should retain the repeal of the Business Inventory Tax.

RECOMMENDATION: A statewide Sales Tax should be enacted as a partial replacement of personal property tax.

"Property taxes too high."

"Allow some of the tremendous monies spent in Montana by tourists to assist our governments to offset some of the costs of maintaining the roads, lakes, etc., that attract them here. They expect this anyway!! Most states have sales taxes."

"Because we are fortunate enough to have large coal reserves and the resulting severance revenues they generate, this should not be a reason why visitors are subsidized by not having to pay a sales tax. As suggested, severance monies should go to capital projects of long lasting benefit to our state."

"Bed-taxes are a "quasi-sales tax" in this regard but they can only do a part of the job and are being looked at by local governments as a way to offset some rising costs. We need a broader approach."

"I realize the large opposition to a sales tax but, if it had some exclusions and if it was structured as a definite offset to property taxes (not just more taxes), it might be worth the effort to convince the voting populace that we should let some of our many visitors help share some of our expenses. Incidentially, I'm strongly in favor of TOURISM and I don't consider that a sales tax would have ANY negative impact on it."

RECOMMENDATION: Regarding the Gross Receipts Tax, the Department of Revenue should extend the deadline for applying for a refund on existing gross receipts from three months to one year.

RECOMMENDATION: The conference favors a rejection of graduated tax on profits.

RECOMMENDATION: The conference states there should be no further severance tax on minerals with consideration being given to reducing current severance tax levels.

GENERAL ISSUES

RECOMMENDATION: The legislature should repeal Montana's Davis-Bacon Act because it raises contract costs.

RECOMMENDATION: Unemployment and Workmen's Compensation programs should be re-examined with business input, and redesigned to be less burdensome. Penalties should be stiffened for fraud.

RECOMMENDATION: The Department of Revenue and local County Assessors should retain their current relationship in the area of property evaluation.

"Assures uniform property assessment throughout the state."

RECOMMENDATION: Montana should have system of uniform interpretation of rules and regulations.

"Different areas of states currently interpret laws differently."

"Simple, understandable language of rules and regulations."

RECOMMENDATION: Tax credits should be given for creating jobs.

"People are taken off welfare, unemployment, etc., and business should be credited."

RECOMMENDATION: Montana legislature should enact Right-to-Work Legislation.

"Improves business climate. Attractive to new businesses."

"It would be a significant inducement for companies to locate in Montana. In our case, we have no reservations about moving over the line to Williston, North Dakota, should we encounter union problems in Glasgow to benefit from their right-to-work laws."

(This issue also ratified in Business Development Session.)

RECOMMENDATION: Montana has a need to sunset rules and regulations.

"More industry would come to Montana. Untimely, if enacted too long ago."

"Some have outlived their usefulness."

RECOMMENDATION: The Montana Legislature should not enact annual legislative sessions.

RECOMMENDATION: The Montana Legislature should enact product liability legislation.

"Limit time or liability after sales of product."

"A businessman now stands to get sued through imprudent use of equipment by the consumer."

RECOMMENDATION: Montana should enact Regulatory Flexibility Act similar to the federal government.

RECOMMENDATION: Our educational system should include courses which tell the importance of small business to the Montana economy. Media promotion of this nature should also be considered.

RECOMMENDATION: The state should simplify paperwork affecting small business.

RECOMMENDATION: State should hold hearings throughout the state on implementation of rules and regulations.

REMARKS BY GOVERNOR TED SCHWINDEN
AT THE
SMALL BUSINESS CONFERENCE
TUESDAY, SEPTEMBER 28, 1982
IN
GREAT FALLS
AT
1:00 P.M.

Every politician knows the importance of throwing a bone to the audience -- to warm the folks up and get them on his side. It's not necessary here today. Speaking highly of Montana's small business community is not "throwing a bone" or making a political gesture. It's even more than good manners or common courtesy because small business in this state is not just one sector of our economy; small business is our economy.

Nationally, sparsely populated states have more small enterprises per capita than the densely populated states, and Montana is recognized as having the second-highest proportion of businesses to people. Only Wyoming has more small businesses per capita.

Montana's employment base and future is tied directly to small, independent businesses. Real economic growth and employment do not occur as a result of large plant relocations. They result from steady expansion among small businesses and the creation of new small businesses. Small firms account for 99 percent of all business establishments in Montana and for more than 75 percent of all private employment.

Nationally, the numbers are about the same. During a recent seven-year period, e. g., we added nine million new jobs to the labor force. Research from MIT showed that none of those jobs came from the nation's large, industrial employers. Six million were created by small business, and three million were created by state and local governments!

My administration decided early on to make small business survival and growth our Number One economic development priority. That's where the jobs...and the opportunities...are.

Promoting economic development during a recession isn't easy--it's like trying to put on a necktie with one hand tied behind your back. That's a difficult process, but possible. And by acting now, we'll be far ahead of those states which figuratively have both hands tied behind their backs! Although an economic develop- effort in the midst of 15 percent interest rates and eight to ten percent unemploy- ment rates is a challenge, I will continue to make economic development a major priority of my administration. For years in our state the theme of economic development has been a rallying cry...a campaign promise...for Montana politicians. But little has actually been done in terms of a coordinated strategy to promote business and jobs in our state.

Last year, with the creation of the Department of Commerce, we began to put such a strategy together. For the first time, business-related activities in state government are under one roof, managed by one Department Director. Knowing we couldn't solve all the problems in Helena, we reached out to the people in the trenches---business men and women like yourselves---for new ideas. Many of you have put in long hours on this Small Business Council---and did the spade work for this conference. We also owe Representative Gene Donaldson our thanks for making this conference possible with legislation he introduced, and we supported, in the last session. I try not to make a habit of crediting a legislator from "the other party" with good ideas, but in this case it's mandatory. Everyone who cares about this state and its future, whether they be Independent, Democrat or Republican, wants to see a healthy economy. And we all need to work together to that end.

In addition to the Small Business Council, we are consulting with representatives of the tourism and transportation industries to see how we can expand and improve those sectors. In fact, we are consulting with every level of the private sector to develop the economic development platform I will propose in the 1983 Legislature.

The recommendations and ideas we receive from the private sector will inevitably stir up controversy. They already have---as the Montana Economic Development Project has demonstrated. Early on in my administration, we decided to become "partners" with some of Montana's major employers in seeking ways to improve the climate for doing business in this state. I expected controversy. I also anticipated results. I was right on both counts. McKinsey and Company interviewed scores of Montanans, who offered hundreds of ideas to the Montana Economic Development Project. Some were unacceptable to the steering committee. Some were not. A segment of our population sees the sales tax as the solution to our state revenue problems, but an overwhelming majority of Montanans still reject the idea as did MEDP. The steering committee also rejected proposals related to our elected public utility regulators, and corporate tax laws. Rejection of ideas does not mean we cannot talk about the issues. If we are going to put together a reasonable, responsible, and successful economic development strategy, we have to lay every responsible idea on the table. Otherwise, advisory groups like the Small Business Council and conferences like this one would be a sham. I make no apologies for consulting with Montana's major employers on how to create jobs, or seeking advice from you on ways to assist small business.

MEDP adopted several solid proposals at its final meeting last week. Recommendations included the involvement of our university talent in economic development, increased support for tourism, expansion of programs of our Commerce Department, international marketing program, expanded job training and expanded small business technical assistance.

I am confident this conference will also produce controversy and results. I expect strong recommendations reflecting the needs and concerns of Montana's small business community. Judging from the results of your earlier hearings, it appears you'll be considering everything from venture capital to gambling during the course of this conference. And, I suspect the sales tax may rise again! In any event, I want to assure you that your recommendations will be weighed carefully as we prepare our legislative package.

We are experiencing tough economic conditions in 1982---and none of us can predict when the "hard times" will end. The nation's worst recession in decades makes our efforts riskier and more difficult, but all the more imperative. We have re-learned in 1980 through 1982 our vulnerability to national economic and market conditions...conditions over which we have practically no control. But we're not alone. States all across the country, even those in the high-growth Sun Belt, are experiencing economic deterioration and high unemployment. Even oil-rich Texas has not been spared. Montana does still have its fiscal integrity, and that can't be said for many states. Montana is considered the fourth healthiest state in the nation because of the soundness of our state budget picture.

Fourth healthiest or not, we still have serious problems. I will try again in 1983 to convince the legislature of the critical need to pass legislation to accelerate the reconstruction of Montana's highway system. Good highways are essential in a state that is increasingly dependent on highways for the transportation of its people and products.

U. S. Transportation Secretary Drew Lewis commented on the conditions of Montana's interstate system in a recent Newsweek article about the nation's decaying infrastructure. "Based on the amount of money it generates in gas taxes, Montana would barely pay for the signs on its highways, let alone the highways. You can say fine, don't build any interstates in Montana, but what do you do when you get to the Montana border---get a horse and wagon?"

Currently, we are 68 miles short of completing the interstate system in Montana. But that's just the tip of the iceberg as far as our construction and repair needs are concerned. A full 50 percent of our primary highways are considered sub-standard, and ten percent of those are in critical condition. To bring those highways up to standard would cost $1.2 billion...to bring existing stretches of interstate back up to standard would cost $27.8 million a year!

No one can count the number of potholes in Montana's city streets, much less across the nation. Someone did count them in Chicago, and they numbered one million after last year's record cold winter. If it takes 100 pounds of asphalt to fill the average pothole, you can see why someone has described current road repair budgets as "pennywise and pothole foolish."

Another effort that has my full support is Initiative 95, the Economic Development Initiative on the November ballot. I-95 would put Montana dollars to work for Montana people. It requires that 25 percent of future coal tax revenues deposited in the Constitutional Coal Tax Trust Fund be invested in Montana primarily in new and expanding locally-owned enterprises.

I-95 would provide some of the capital we need to create jobs. The Board of Investments has a good track record in investing in Montana mortgages, certificates of deposit in Montana banks, and in debentures of Montana corporations. Montana would benefit from more investments of that kind. Investments benefiting the Montana economy can be made without jeopardizing the coal trust principal, because I insist that the Board of Investments continue to adhere to the "prudent man" rule, investing wisely and safely.

A second part of Initiative 95 creates an Economic Development Fund, financed from the interest income of the Coal Trust Fund. The amount of money to be placed in that fund and how it would be used would be decided each session by the legislature. Possible uses include stimulating housing construction; promoting economic development through state programs; training and re-training for new jobs.

I-95 is no panacea. It won't solve all of our economic problems. But it is a responsible first step in improving capital availability in Montana. A recent poll indicated that 76 percent of Montanans believe economic development is the most pressing issue in the state. I-95 gives Montanans a chance to give our economic development efforts a shot in the arm. By passing I-95, Montanans can send a signal to politicians and the private sector alike---a signal that we mean business. And we do! Give me your help and we can make Montana a better place to live---and do business.

Statewide Conference
on Small Business
September 28-29, 1982

LIST OF ATTENDEES, BY COMMUNITIES

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SPECIAL RECOGNITION

The Advisory Council wishes to express our appreciation to the several groups and individuals who have assisted in making a success of the seven conferences sponsored by the Council.

The statewide conference in Great Falls:

Dr. William Shields, President
College of Great Falls
Conference Moderator

Great Falls Chamber of Commerce
Roger Young, E.V.P. for Logistics
and Planning
Convention & Visitors Bureau's
"Hello Dollys" for Registering Conferees

"The Sound Room"
Rob Conover and his Technical Crew
for Setup and Management of the Video
Telecast Reception

Chamber of Commerce of the United States
"BizNet" Studios
for the Live Satellite Broadcast from
Washington D.C.

Senator Max Baucus
Representative Andy Ireland
Chief Advocate, S.B.A. Frank Swain
Panelists, Discussing "Small Business,
A National Perspective".

The Sheraton Hotel
Doug Smith and his able Staff

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Council appreciation is also expressed to the following Chambers of Commerce who co-sponsored the six local conferences earlier in the year.

Kalispell - February 16, 1982	Butte - February 23, 1982
Glasgow - February 16, 1982	Billings - February 23, 1982
Miles City - February 17, 1982	Great Falls - February 24, 1983

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